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9 CHEVRON U.S.A. INC.,
a Pennsylvania corporation

10
11 UNITED STATES DISTRICT COURT

12 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

13 MARK SNOOKAL, an individual,

14 Plaintiff,

15 vs.

16 CHEVRON USA, INC., a California Corporation,
and DOES 1 through 10, inclusive,

17 Defendants.

18 Case No. 2:23-cv-6302-HDV-AJR

19 **NOTICE OF DEFENDANT CHEVRON U.S.A.,
INC.’S MOTION FOR SUMMARY
JUDGMENT OR, IN THE ALTERNATIVE,
PARTIAL SUMMARY JUDGMENT**

20 [Filed concurrently with Joint Brief re Defendant’s
Motion for Summary Judgment; Defendant’s
Statement of Uncontested Facts and Genuine
Disputes; Joint Appendix of Declarations and
Written Evidence; [Proposed] Judgment granting
Defendant’s Motion for Summary Judgment]

21 Hearing: December 5, 2024

22 Time: 10:00 a.m.

23 Place: Courtroom 5B – 5th Floor

Judge: Hon. Hernán D. Vera

24 Action Filed: August 3, 2023

Trial Date: February 4, 2025

1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that on December 5, 2024, at 10:00 a.m. in Courtroom 5B of the
3 United States District Court for the Central District of California, located at 350 West 1st Street, Los
4 Angeles, California 90012, the Honorable Hernán D. Vera presiding, Defendant Chevron U.S.A. Inc., a
5 Pennsylvania corporation (“Chevron U.S.A.”) will and hereby does move, pursuant to Rule 56 of the
6 Federal Rules of Civil Procedure and the Court’s Civil Standing Order section X.E, for summary
7 judgment as to all claims for relief asserted in Plaintiff Mark Snookal’s (“Plaintiff”) Complaint. In the
8 alternative, Chevron U.S.A. will and hereby does move for partial summary judgment as to those claims
9 for relief that this Court determines there is no genuine dispute as to any material fact and that Chevron
10 U.S.A. is entitled to summary judgment as a matter of law.

11 This Motion is made on the following grounds establishing that Chevron U.S.A. is entitled to
12 summary judgment as a matter of law.

13 **ISSUES FOR SUMMARY JUDGMENT OR ALTERNATIVELY**

14 **FOR PARTIAL SUMMARY JUDGMENT IN CHEVRON U.S.A.’S FAVOR**

15 1. Plaintiff’s First Cause of Action for Disability (Actual or Perceived) Discrimination
16 under the California Fair Employment and Housing Act (“FEHA”) fails because Chevron U.S.A. was
17 not the employer with respect to the job position which Plaintiff claims he was wrongfully denied. (Fact
18 Nos. 1-5, 29.)

19 2. Plaintiff’s First Cause of Action for Disability (Actual or Perceived) Discrimination
20 under the FEHA fails because Plaintiff cannot establish a prima facie claim for disability discrimination.
21 (Fact Nos. 1-3, 5-28, 30-32.)

22 3. Plaintiff’s First Cause of Action for Disability (Actual or Perceived) Discrimination
23 under the FEHA fails because Chevron U.S.A.’s employment actions with respect to Plaintiff were
24 made for legitimate, nondiscriminatory business reasons, in particular, Chevron U.S.A. relied on a
25 reasoned determination by medical professionals that Plaintiff could not perform the essential duties of
26 the job position without endangering his own health and safety or the health and safety of others. (Fact
27 Nos. 20, 22-23, 26-28; *see also* Fact Nos. 3, 5-19, 21, 24-25, 30-32.)

1 4. Plaintiff's First Cause of Action for Disability (Actual or Perceived) Discrimination
2 under the FEHA fails because Plaintiff cannot establish that Chevron U.S.A.'s legitimate,
3 nondiscriminatory business reasons were pretextual. (Fact Nos. 30-32; *see also* Fact Nos. 3, 5-28.)

4 5. Plaintiff's Second Cause of Action for Failure to Accommodate under the FEHA fails
5 because Plaintiff admits he did not need an accommodation and therefore cannot establish a *prima facie*
6 claim of failure to accommodate under the FEHA. (Fact Nos. 13, 33-39.)

7 6. Plaintiff's Second Cause of Action for Failure to Accommodate under the FEHA fails
8 because, even if Chevron U.S.A. had a duty to provide Plaintiff with accommodations, which it did not,
9 Chevron U.S.A. reasonably accommodated Plaintiff by creating a new role for him with the same pay
10 and benefits as his prior position. (Fact Nos. 33-39; *see also* Fact No. 13.)

11 7. Plaintiff's Fourth Cause of Action for Wrongful Constructive Discharge in Violation of
12 Public Policy fails because Plaintiff cannot establish a *prima facie* claim for wrongful constructive
13 discharge because he cannot establish working conditions that were so intolerable he had no choice but
14 to resign his position. (Fact Nos. 40-43.)

15 8. Plaintiff's Fourth Cause of Action for Wrongful Constructive Discharge in Violation of
16 Public Policy fails as derivative because Plaintiff cannot establish his discrimination and failure to
17 accommodate claims. (Fact Nos. 1-43.)

18 9. Plaintiff cannot recover punitive damages. (Fact Nos. 1-43.)

19 This Motion is made following the conference of counsel pursuant to Local Rule 7-3, which took
20 place on August 27, 2024. Counsel for the parties continued to communicate, meet, and confer through
21 the date of filing of this Motion regarding the preparation of the required Joint submissions pertaining to
22 this Motion.

23 This Motion is based upon this Notice of Motion and the concurrently-filed Joint Brief re
24 Chevron U.S.A.'s Motion for Summary Judgment; Chevron U.S.A.'s Statement of Undisputed Facts and
25 Genuine Disputes; the Joint Appendix of Declarations and Written Evidence and Chevron U.S.A.'s
26 exhibits and declarations attached thereto; all other pleadings, papers, and records filed in this matter;
27 any matters that are the proper subject of judicial notice by this Court; and on such additional oral and
28 documentary evidence and authority as may be presented at or before the hearing of this Motion.

1 Dated: October 24, 2024

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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4 By _____

/s/ Sarah Fan

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6 ROBERT E. MUSSIG
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7 Attorneys for Defendant
8 CHEVRON U.S.A. INC.,
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